

REMARKS

This Amendment Under 37 C.F.R. §1.116, is responsive to the final Office Action mailed January 2, 2008.

The undersigned thanks the Examiner for recognizing that the IDS filed August 18, 2001, was timely and properly submitted. The undersigned again respectfully requests that the Examiner return an initialed copy of the IDS, indicating that all references listed thereon have been considered.

At the outset, the undersigned wishes to thank Examiner Peng and his supervisor for their courtesy and assistance during the recent telephone interview of January 9, 2008. As the Examiner will recall, agreement was reached during the interview that amending the claims to include the recitations “the input multiplexer not including a tuner” and “the output multiplexer not including a tuner” would overcome the anticipation rejection over Safadi et al. of the independent claim and would not be rejected or objected to as being indefinite as a “negative limitation.” Independent claim 1 has been amended accordingly.

Rejections Under 35 U.S.C. §102(e)

Claims 1-6, 8-17, 25-26, 37 and 38 were rejected under 35 U.S.C. §102(e) as being anticipated by Safadi et al. (hereinafter “Safadi”). Reconsideration and withdrawal of these rejections are respectfully requested.

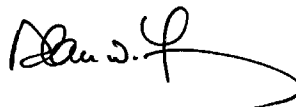
Claim 1 has been amended, as noted above, to include the recitations “the input multiplexer not including a tuner” and “the output multiplexer not including a tuner.” This language distinguishes the claim from Safadi, which disclose that primary and secondary tuners 202, 204 are coupled directly to the input 204. This amendment to the claim, it was agreed

during the interview, would overcome the 35 U.S.C. §102(e) rejection of the claims over this reference.

It is to be noted that applicant respectfully disagrees with the Office that tuners 204, 204, whether considered singly or in combination, could, by any reasonable interpretation, be considered to be the claimed input multiplexer. Applicants also strongly disagrees that “System Bus” 112 in Safadi can be analogized to the claimed output multiplexer. It’s a bus, not a multiplexer. Such an interpretation made for the purposes of facilitating a §102 rejection, is believed to be unreasonable and improper; both as a matter of fact and as a matter of law. In this regard, the Examiner is reminded that “The Alice-in-Wonderland view that something means whatever one chooses it to mean makes for enjoyable reading, but bad law,” as colorfully stated in *Autogiro Co. of Am. v. United States*, 384 F.2d 391, 397 (Ct. Cl. 1967). Reconsideration and withdrawal of the anticipation rejections of the claims are, therefore, hereby respectfully requested.

If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below and whatever is necessary to resolve such issues will be done at once.

Respectfully submitted,



Date: January 9, 2008

By: _____

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